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FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 5757
INFO RUCNIAD/IGAD COLLECTIVE
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RUEHDS/AMEMBASSY ADDIS ABABA 0078
RUEHDR/AMEMBASSY DAR ES SALAAM 5964
RUEHDJ/AMEMBASSY DJIBOUTI 5261
RUEHKM/AMEMBASSY KAMPALA 2802
RUEHKH/AMEMBASSY KHARTOUM 2039
RUEHLO/AMEMBASSY LONDON 2815
RUEHFR/AMEMBASSY PARIS 2738
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C O N F I D E N T I A L NAIROBI 001220

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KCRM](#) [KE](#)
SUBJECT: ICTR: GOVERNMENT OF KENYA FREEZES KABUGA'S ASSETS

REF: 07 NAIROBI 4630

Classified By: DCM Pamela J. Slutz for reasons 1.4 (b and d)

SUMMARY

11. (C) The Government of Kenya (GOK) on May 6 moved to freeze real estate assets in Nairobi owned by International Criminal Tribunal for Rwanda (ICTR) fugitive, Felicien Kabuga. This welcome move came as a response to a request for cooperation made by the ICTR Chief Prosecutor to the GOK. While this is a positive step, the GOK has so far failed to take other necessary steps. With the May 6 "freeze", the GOK has likely done just enough to avoid being cited for non-cooperation by the ICTR Chief prosecutor in his May 12 report to the UN Security Council (UNSC). We, in coordination with the Friends of Kabuga group led by the Canadian High Commission, have requested an appointment to demarche Foreign Minister Wetangula and representatives of relevant ministries in an effort to highlight additional steps the GOK should take to fully cooperate with ICTR. End Summary.

ICTR Applies Pressure...

12. (C) The GOK followed up a November 2007 visit from ICTR Chief Prosecutor Hassan Bubacar Jallow with the formation of a joint ICTR-GOK task force. In response, Jallow wrote to the GOK in April 2008 asking for: 1) seizure of ICTR fugitive Felicien Kabuga's house; 2) delivery of National Security and Intelligence Service (NSIS) intelligence on Kabuga; 3) permission for a visit by Jallow; and 4) actions related to a nephew of Kabuga. Subsequently, Attorney General Amos Wako wrote to NSIS and the Minister of Justice to highlight the need for cooperation with the joint task force. On April 20, Jallow wrote to the GOK's Chief of Public Prosecution asking for a progress report by May 5 to inform the drafting of Jallow's written report to the UN Security Council, due May 12.

...And GOK Responds, Sort Of

13. (U) The GOK has not submitted the requested report on progress in all four areas; however, the Department of Public Prosecutions on May 6 petitioned the High Court in Nairobi to freeze real estate in Nairobi owned by Kabuga. The GOK

further requested that the property be managed by a government-appointed management company and that all rents derived from the property (estimated at approximately USD20,000 annually) be transferred to the ICTR. The court approved the GOK's petition.

14. (C) The GOK has not fully complied with ICTR's other requests for action. In light of the GOK's move to freeze Kabuga's assets, Jallow is unlikely to cite Kenya for non-cooperation in his written report detailing the extent of GOK cooperation will be sent to the UNSC next week. (Note: Jallow will present the report in person on June 4. End Note.)

COMMENT

15. (C) While this move is welcome, the GOK needs to do more to cooperate with the ICTR before Jallow's mandate expires at the end of this year. We will continue to press the GOK to intensify its cooperation with ICTR. We, in coordination with the Friends of Kabuga group, have requested an appointment to demarche Foreign Minister Wetangula and representatives of relevant ministries on the steps needed for the GOK to discharge its obligation to fully cooperate with ICTR, which include increased intelligence sharing and efforts to locate and arrest Kabuga. End Comment.
RANNEBERGER